

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 031029
Application No. 10/647,247

REMARKS

Claims 1, 3, 5-11, 14-19 and 21-26 are pending in the present application. Claims 1, 21 and 26 are herein amended. No new matter has been presented.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 3, 5-11, 14-19 and 21-26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action stated that the following limitation is not supported in the specification: “exposing a first area of the resist film to form a resist pattern including an opening in the first area of the resist film.” Specifically, the Office Action stated that exposed resist film must be developed or etched to form a resist pattern. Claims 1, 21 and 26 have been amended to add “developing the exposed resist film.”

Withdrawal of the § 112 rejection is requested.

Double Patenting

Claims 1, 3, 5-11, 14-19 and 21-26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 7,416,837.

A terminal disclaimer is concurrently filed with this amendment. Withdrawal of the double patenting rejection is requested.

For at least the foregoing reasons and the remarks submitted with the Amendment of January 7, 2011, claims 1, 3, 5-11, 14-19 and 21-26 are patentable over the cited references. Accordingly, withdrawal of the rejections of claims 1, 3, 5-11, 14-19 and 21-26 is hereby solicited.

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In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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